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FOR INFORMATION

Report of the Chairman of the Open-ended Working Group on the Rules of Procedure

1. At its first regular session of 1994, the Executive Board adopted decision 1994/R.1/3 (see E/ICEF/1994/13) on the UNICEF rules of procedure which, inter alia, established an Open-ended Working Group to review the present rules with the aim of preparing a recommendation on amended rules of procedure for Board approval no later than the 1994 annual session.

2. The Open-ended Working Group met five times, on 16, 23 and 28 March and 6 and 13 April 1994. During the first three sessions, the rules of procedure were amended not only to bring them in line with General Assembly resolution 48/162 of 20 December 1993 on further measures for the restructuring and revitalization of the United Nations in the economic, social and related fields, but also to simplify them where possible. In this process, the Working Group decided to delete the current rules 6, "Communication of the provisional agenda", now submerged in new rule 6, "Submission of documentation"; 15, "Powers of Acting Chairman", now submerged in new rule 13, "Acting President"; 16, "Voting rights of and representation by the Chairman"; 17, "Programme Committee"; 18, "Committee on Administration and Finance"; 19, "Establishment of additional Committees"; 20, "Subsidiary bodies of Committees", now, together with rule 19, submerged in new rule 14 "Establishment"; 21, "Officers"; 32, "Summary records of meetings"; and 62, "Method of amendment", now submerged in new rule 53 "Amendment and suspension of rules of procedure". As a result, the number of rules has been reduced from 63 to 53.

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* It was envisaged that the rules of procedure would be discussed during the annual session as reflected in the annotated provisional agenda (E/ICEF/1994/1). However, the Open-ended Working Group on the Rules of Procedure has made a recommendation to take up this item during the second regular session.

3. At the third meeting of the Working Group, the participation of non-members of the Board was discussed extensively. One of the main questions was whether resolution 48/162 makes a distinction between annual and regular sessions other than the location of the session of the Board. In the new rule 3, it is stipulated that the annual sessions of the Board shall normally be held at United Nations Headquarters and that regular sessions of the Board shall be held at the premises of the UNICEF headquarters as of the date when such premises are rendered able to accommodate such sessions, which is in line with resolution 48/162. The Working Group was of the view that until such time, regular sessions should be held at United Nations Headquarters. Most, if not all, participants could accept the interpretation that resolution 48/162 does not make a distinction between annual and regular sessions other than the location of the sessions. The broad acceptance of this interpretation proved to be the stepping stone towards agreement in the Working Group. Views varied widely on the actual participation of non-members. At the end of the meeting the Chairman of the Working Group invited the representatives of Bangladesh, Brazil, Cuba, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United Republic of Tanzania to form a drafting group that would present to the next meeting of the Open-ended Working Group a draft text on the participation of non-members of the Board.

4. The drafting group held two meetings which produced new draft rules 50 and 51 of the Rules of Procedure and a draft decision on the implementation of the new rules 50 and 51 for presentation to the Open-ended Working Group.

5. The drafting group elaborated on the interpretation of the Open-ended Working Group that there was no distinction between annual and regular sessions. This would imply that the formulation on the participation of non-members in the Board used in resolution 48/162 was valid for annual and regular sessions of the Board and that this should be reflected in the rules of procedure. However, in view of the rather ambiguous formulation in resolution 48/162, the drafting group decided to propose a draft decision in which the implementation of the Rules of Procedure would be described.

6. The formulation of rules 50 and 51 of the Rules of Procedure as such would not have been acceptable for all participants of the Open-ended Working Group. Likewise, the formulation of the draft decision on their implementation as such could not have been supported by all participants. However, the combination of the rules and the draft decision on their implementation together made it possible to reach consensus in the Open-ended Working Group.

7. In view of the fragile balance between the new rules 50 and 51 and the draft decision on the implementation of these rules, the Chairman of the Open-ended Working Group has recommended that the Executive Board adopt the new rules of procedure, as contained in document E/ICEF/1994/L.18, and the draft decision on the implementation of rules 50 and 51 of the new rules of procedure, as contained in document E/ICEF/1994/L.19, in conjunction. If the Board decides to do so, the decision on implementation will be reflected in an annex to the new rules of procedure.